

**§ 170.8 Information collection requirements: OMB approval**

This part contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.).

[62 FR 52191, Oct. 6, 1997]

**§ 170.11 Exemptions.**

(a) No application fees, license fees, renewal fees, or inspection fees shall be required for:

(1)–(3) [Reserved]

(4) A construction permit or license applied for by, or issued to, a non-profit educational institution for a production or utilization facility, other than a power reactor, or for the possession and use of byproduct material, source material, or special nuclear material. This exemption does not apply to those byproduct, source or special nuclear material licenses which authorize:

(i) Human use;

(ii) Remunerated services to other persons;

(iii) Distribution of byproduct material, source material, or special nuclear material or products containing byproduct material, source material, or special nuclear material; and

(iv) Activities performed under a Government agency contract.

(5) A construction permit, license, certificate of compliance, or other approval applied for by, or issued to, a Government agency, except where the Commission is authorized by statute to charge such fees.

(6)–(8) [Reserved]

(9) State-owned research reactors used primarily for educational training and academic research purposes. For purposes of this exemption, the term *research reactor* means a nuclear reactor that—

(i) Is licensed by the Nuclear Regulatory Commission under section 104c. of the Atomic Energy Act of 1954 (42 U.S.C. 2134(c)) for operation at a thermal power level of 10 megawatts or less; and

(ii) If so licensed for operation at a thermal power level or more than 1 megawatt, does not contain—

(A) A circulating loop through the core in which the licensee conducts fuel experiments;

(B) A liquid fuel loading; or

(C) An experimental facility in the core in excess of 16 square inches in cross-section.

(10) Activities of the Commission undertaken, pursuant to part 75 of this chapter, solely for the purpose of implementation of the US/IAEA Safeguards Agreement.

(11) Materials portable gauge licenses issued in accordance with NUREG-1556, Volume 1, that are amended to change only the name of the Radiation Safety Officer. This exemption does not apply to those materials portable gauge licenses that also authorize possession and use of nuclear materials for other activities.

(b)(1) The Commission may, upon application by an interested person, or upon its own initiative, grant such exemptions from the requirements of this part as it determines are authorized by law and are otherwise in the public interest.

(2) Applications for exemption under this paragraph may include activities such as, but not limited to, the use of licensed materials for educational or noncommercial public displays or scientific collections.

[33 FR 10924, Aug. 1, 1968, as amended at 36 FR 146, Jan. 6, 1971; 36 FR 18173, Sept. 10, 1971; 37 FR 24029, Nov. 11, 1972; 38 FR 18443, July 11, 1973; 43 FR 7218, Feb. 21, 1978; 45 FR 50718, July 31, 1980; 49 FR 21302, May 21, 1984; 55 FR 21179, May 23, 1990; 56 FR 31499, July 10, 1991; 59 FR 36917, July 20, 1994; 60 FR 32238, June 20, 1995; 62 FR 29207, May 29, 1997]

**§ 170.12 Payment of fees.**

(a) *Application fees.* Each application for which a fee is prescribed shall be accompanied by a remittance in the full amount of the fee. The NRC will not issue a new license or amendment prior to the receipt of the prescribed fee. All application fees will be charged irrespective of the Commission's disposition of the application or a withdrawal of the application.

(b) *License fees.*

(1) Fees for applications for materials licenses not subject to full cost reviews must accompany the application when it is filed.